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OFFICE OF PETITIONS

In re Application of :
Nathaniel Tue Tran : DECISION ON PETITION TO
Application No. 10/667,882 : WITHDRAW HOLDING OF
Filed: 22 September, 2003 : ABANDONMENT
Atty Docket No. Biomarker :

This is a decision on the "REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT" filed on 11 July, 2006, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is GRANTED.

A Notice of Abandonment was mailed on 12 May, 2006, stating that the application was abandoned for failure to timely file a proper reply to the Notice mailed on 31 October, 2005.

A review of the record reveals that on 31 October, 2005, a Notice of Fee Deficiency was mailed, stating that \$125.00 was due for the presentation of excess claims, setting a one (1) month shortened period for reply. On 17 November, 2005, a Fee Transmittal, including a \$125.00 payment, was filed.

Petitioner asserts that the Notice of Abandonment should be withdrawn because a timely reply was filed.

Upon review, it is noted that the reply filed on 17 November, 2005, was a timely and proper response to the Notice mailed on 31 October, 2005. As such, there is no abandonment in fact. The Office regrets the error.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

The application is referred to Technology Center Art Unit 1634 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", written in a cursive style.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions